REMARKS

Claims 1-37 are currently pending in this application. In the Final Office Action ("OA")[1] mailed September 6, 2005, the Examiner rejected claims 32 and 37 under 35 U.S.C. § 112, second paragraph, as being indefinite. Accordingly, Applicant proposes to amend claim 32 and 37 in order to more appropriately claim the subject matter of the invention.

The Examiner rejected claims 1-37 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,175,917 to Arrow ("*Arrow*") in view of U.S. Patent No. 6,751,729 to Giniger ("*Giniger*"). Applicant thanks the Examiner for clarifying, in a telephonic inquiry on October 24, 2005 ("Inquiry"), that the rejection of claims 1-37 was under 35 U.S.C. §103(a) and not 35 U.S.C. §102(e), and that *Arrow* does not explicitly disclose a limitation of claims 1, 7, 8, 14-17, 22, 27, 32, and 37. Applicant hereby proposes to amend claims 1, 2, 7-9, 14-17, 22, 27, 32, and 37. Support for the amendment of claims 1, 2, 7-9, 14-17, 22, 27, 32, and 37 can be found throughout the Drawings and the Specification at, for example, Figures 2 and 7-10, and on page 12, lines 5-13, page 15, lines 20-22, and page 21, line 14. In view of the following remarks, Applicant respectfully traverses the Examiner's rejection of the claims under 35 U.S.C. § 103(a).

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[1] The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Rejection of claims 1-37 under 35 U.S.C. § 103(a)

To establish a prima facie case of obviousness, three basic criteria must be met. First, the prior art reference as modified must teach or suggest all the claim elements. (See M.P.E.P. § 2143.03 (8th ed. 2001)). Second, there must be some suggestion or motivation, either in the reference or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings. (See M.P.E.P. § 2143 (8th ed. 2001)). Third a reasonable expectation of success must exist. Moreover, each of these requirement must "be found in the prior art, and not be based on applicant's disclosure." (M.P.E.P. § 2143.03 (8th ed. 2001)).

As noted above, the Examiner rejected claims 1-37 under 35 U.S.C. § 103(a) as being unpatentable over *Arrow* in view of *Giniger*. *Arrow* discloses a method and system for swapping a computer operating system (*Arrow* title). *Arrow* selectively switches between storage memories via commands received over a virtual private network ("VPN") so that a VPN unit may be selectively booted with an alternate operating system program (*Arrow* col. 3, lines 2-20; col. 3, lines 35-40). Data packets are encapsulated in accordance with the Internet Protocol and transmitted from one member of a VPN to another member of the same VPN over a public data network (*Arrow* fig. 2; col. 7, lines 13-17). In *Arrow*, "RSA module 722 provides public key/private key security functions," and "[k]ey management module 738 sets up keys for encryption and authentication functions" (*Arrow* col. 11, lines 24-34). Moreover, in *Arrow*, an "NSID, or name space ID [which] is the MD5 hash of a user name," and an "MKID[, which] is the master key ID of the domain... serve to identify the remote client" (*Arrow* col. 15, lines 25-28).

In contrast, the claimed invention as demonstrated, for example in proposed claim 1, recites the step of "acquiring a channel key associated with a channel based on the determination, wherein the channel comprises a plurality of virtual links through the public network that connects a plurality of channel nodes, the channel nodes including the source node and the destination node, such that only the channel nodes are permitted to communicate over the channel, and wherein the channel key is updated for a modification of the channel nodes." *Arrow* teaches using "public key/private key security functions" and "[k]ey management module 738" that "sets up keys for encryption and authentication functions" (*Arrow* col. 11, lines 24-34). *Arrow* also teaches an "NSID" and an "MKID" that "serve to identify the remote client" (*Arrow* col. 15, lines 25-28). However, the use of public key/private key security functions, and the use of NSID and MKID to identify a remote client, as disclosed in *Arrow*, are not sufficient to constitute the aforementioned "acquiring," as recited in proposed claim 1. Moreover, the Examiner admitted that *Arrow* does not explicitly disclose that "the channel comprises a plurality of virtual links through the public network that connects a plurality of channel nodes, the channel nodes including the source node and the destination node, such that only the channel nodes can communicate over the channel" (OA page 3, lines 16-19 and Inquiry). Instead, the Examiner alleged that *Giniger* teaches those features.

Giniger is not sufficient to make up for the deficiencies of *Arrow*. *Giniger* discloses an automated operation and security system for virtual private networks (*Giniger* title) that authenticates a "node device by the server" by "encoding a message using the stored private key at the node device, sending the encoded message to the

server, and decoding the message using the public key for the node device that was

provided to the server" (*Giniger* col. 5, lines 6-10). Furthermore, a "key exchange

module 410 is used to exchange cryptographic keys with other computers or devices on

Internet 100 in order to establish secure tunnels with those computers or devices"

(*Giniger* col. 11, lines 55-58). *Giniger*, however, does not disclose "acquiring a channel

key associated with a channel based on the determination, wherein the channel

comprises a plurality of virtual links through the public network that connects a plurality

of channel nodes, the channel nodes including the source node and the destination

node, such that only the channel nodes are permitted to communicate over the channel,

and wherein the channel key is updated for a modification of the channel nodes," as

recited in proposed claim 1.

Neither *Arrow* nor *Giniger*, taken alone or in any reasonable combination, teach

or suggest each and every element recited in proposed claim 1. For at least this

reason, a prima facie case of obviousness has not been established with respect to

proposed claim 1. Accordingly, Applicant requests withdrawal of the rejection under 35

U.S.C. § 103(a) and the timely allowance of claim 1. Because claims 7, 8, 14-17, 22,

27, 32, and 37 are independent claims with limitations similar to those of claim 1,

Applicant further submits that the rejections of claims 7, 8, 14-17, 22, 27, 32, and 37 are

not supported by *Arrow* in view of *Giniger*, for at least the reasons given with respect to

proposed claim 1. Accordingly, Applicant requests withdrawal of the rejection under 35

U.S.C. § 103(a) and the timely allowance of claims 7, 8, 14-17, 22, 27, 32, and 37.

The rejections of dependent claims 2-6, 9-13, 18-21, 23-26, 28-31, and 33-36 are

unsupportable for the reasons stated above with regard to their respective allowable

base claims. Accordingly, Applicant requests withdrawal of the rejection under 35 U.S.C. § 103(a) and the timely allowance of claims 2-6, 9-13, 18-21, 23-26, 28-31, and 33-36.

Conclusion

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-37 in condition for allowance. Applicant submits that the proposed amendments of claims 1, 2, 7-9, 14-17, 22, 27, 32, and 37 do not necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicant respectfully points out that the final action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment would allow the Applicant to reply to the final rejections and place the application in condition for allowance.

Finally, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicant submits that the pending claims as proposed, are neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this

Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: November 7, 2005   By:_____
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